

106TH CONGRESS
2D SESSION

H. R. 4000

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 2000

Mr. BLAGOJEVICH introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to require ballistics testing of all firearms manufactured and all firearms in custody of Federal agencies, and to add ballistics testing to existing firearms enforcement strategies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Crime Bullet Tracing
5 Initiative”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1 (1) to provide for ballistics testing of all new
2 firearms for sale to assist in the identification of
3 firearms used in crimes;

4 (2) to require ballistics testing of all firearms in
5 custody of Federal agencies to assist in the identi-
6 fication of firearms used in crimes; and

7 (3) to add ballistics testing to existing firearms
8 enforcement programs.

9 **SEC. 3. DEFINITION OF BALLISTICS.**

10 Section 921(a) of title 18, United States Code, is
11 amended by adding at the end the following:

12 “(35) BALLISTICS.—The term ‘ballistics’ means
13 a comparative analysis of fired bullets and cartridge
14 casings to identify the firearm from which bullets
15 were discharged, through identification of the unique
16 characteristics that each firearm imprints on bullets
17 and cartridge casings.”.

18 **SEC. 4. TEST FIRING AND AUTOMATED STORAGE OF BAL-**
19 **LISTICS RECORDS.**

20 (a) AMENDMENTS.—

21 (1) IN GENERAL.—Chapter 44 of title 18,
22 United States Code, is amended by adding at the
23 end the following:

1 **“§ 931. Test firing and automated storage of ballistics**
2 **records**

3 “(a) PROHIBITION.—It shall be unlawful for any li-
4 censed manufacturer or licensed importer to sell, deliver,
5 or otherwise transfer any firearm to any person, without
6 first—

7 “(1) test-firing the firearm;

8 “(2) preparing ballistics records of the fired
9 bullet and cartridge casings from the test fire; and

10 “(3) making the records available to the Sec-
11 retary for entry in a computerized database.

12 “(b) CIVIL PENALTIES.—

13 “(1) IN GENERAL.—

14 “(A) SUSPENSION OR REVOCATION OF LI-
15 CENSE; CIVIL PENALTIES.—With respect to
16 each violation of subsection (a) by a licensed
17 manufacturer or licensed importer, the Sec-
18 retary may, after notice and opportunity for
19 hearing—

20 “(i) suspend the license for up to 1
21 year or revoke the license; or

22 “(ii) assess a civil penalty of not more
23 than \$10,000.

24 “(B) REVIEW.—An action of the Secretary
25 under this paragraph may be reviewed only as
26 provided in section 923(f).

1 “(2) ADMINISTRATIVE REMEDIES.—The sus-
2 pension or revocation of a license or the imposition
3 of a civil penalty under paragraph (1) does not pre-
4 clude any administrative remedy that is available to
5 the Secretary under other law.

6 “(c) LIABILITY.—Nothing in this section creates a
7 cause of action against any Federal firearms licensee or
8 any other person for any civil liability except for imposi-
9 tion of a civil penalty under subsection (b).

10 “(d) FEDERAL ASSISTANCE TO MANUFACTURERS
11 AND LOCAL LAW ENFORCEMENT.—

12 “(1) IN GENERAL.—The Attorney General and
13 the Secretary shall assist firearm manufacturers and
14 importers in complying with subsection (a)
15 through—

16 “(A) the acquisition, disposition, and up-
17 grades of computerized ballistics equipment and
18 bullet recovery equipment to be placed at the
19 sites of licensed manufacturers and importers
20 or at regional centers established by the Sec-
21 retary;

22 “(B) the hiring or designation of personnel
23 necessary to develop and maintain a database
24 of ballistics records, research and evaluation;
25 and

1 “(C) any other steps necessary to make
2 ballistics testing effective.

3 “(2) ACCESS TO BALLISTICS RECORDS.—

4 “(A) IN GENERAL.—The Attorney General
5 and the Secretary shall establish a system
6 through which State and local law enforcement
7 agencies, through online computer technology,
8 can promptly access ballistics records stored
9 under this section, as soon as such a capability
10 is available.

11 “(B) REPORT.—Not later than 1 year
12 after the date of enactment of this section, the
13 Attorney General and the Secretary shall sub-
14 mit to the Committee on Appropriations of the
15 Senate and the Committee on Appropriations of
16 the House of Representatives a report
17 explaining—

18 “(i) the capacity to provide the online
19 access required under subparagraph (A)
20 and the process by which the online access
21 will be implemented; and

22 “(ii) any future technical or legal
23 changes that may be required to make
24 such a capability available, including esti-

1 mates of the costs of making those
2 changes.

3 “(e) REPORT.—Not later than 1 year after the date
4 of enactment of this section and annually thereafter, the
5 Attorney General and the Secretary shall submit to the
6 Committee on Appropriations of the Senate and the Com-
7 mittee on Appropriations of the House of Representatives
8 a report regarding the impact of this subsection, including
9 the number of Federal and State criminal investigations,
10 arrests, indictments, and prosecutions of all cases in which
11 access to ballistics records provided under this section
12 served as a valuable investigative tool.

13 “(f) INDUSTRY OUTREACH AND COOPERATION.—

14 “(1) IN GENERAL.—The Attorney General and
15 the Secretary shall work cooperatively with rep-
16 resentatives of the firearm industry (including fire-
17 arm manufacturers and importers) to—

18 “(A) provide education about the role of
19 ballistics as part of a comprehensive firearm
20 crime reduction strategy; and

21 “(B) provide for the coordination among
22 Federal, State, and local law enforcement and
23 regulatory agencies and the firearm industry to
24 curb firearm-related crime and illegal firearm
25 trafficking.

1 “(2) CONCENTRATED EFFORTS.—In imple-
2 menting paragraph (1), the Attorney General and
3 the Secretary shall concentrate on outreach with—

4 “(A) the manufacturers and importers of
5 firearms that have been designated as the top
6 10 crime guns used in violent crime;

7 “(B) firearm manufacturers and importers
8 that have voluntarily agreed to participate as a
9 pilot site for the National Integrated Ballistics
10 Information Network;

11 “(C) firearm manufacturers and importers
12 that manufacture or import more than 1,000
13 firearms per year, as reported in the Bureau of
14 Alcohol, Tobacco, and Firearms Annual Fire-
15 arms Manufacturing and Export Report or as
16 determined from informatiion obtained in an-
17 nual regulatory inspection audits conducted by
18 the Secretary; and

19 “(D) firearm manufacturers and importers
20 that have a policy that requires the test firing
21 of all firearms prior to transfer.

22 “(3) ANNUAL REPORTS AND EVALUATION.—

23 “(A) ANNUAL REPORT.—Not later than 1
24 year after the date of enactment of this section
25 and annually thereafter, the Secretary and the

1 Attorney General shall submit to the Committee
2 on the Judiciary of the Senate and the Com-
3 mittee on the Judiciary of the House of Rep-
4 resentatives a report containing—

5 “(i) a statement of the number of
6 firearm manufacturers and importers and
7 other representatives of the firearm indus-
8 try participating in the outreach effort;

9 “(ii) the number and type of per-
10 sonnel of the Bureau of Alcohol, Tobacco,
11 and Firearms and the Department of Jus-
12 tice hired and assigned to carry out this
13 subsection;

14 “(iii) a summary of the activities es-
15 tablished by firearm manufacturers and
16 importers as a result of their participation
17 in the outreach effort;

18 “(iv) an evaluation of any changes in
19 firearm-related crime pertaining to par-
20 ticular types of firearms manufactured by
21 a firearm manufacturer or importer that is
22 an active participant in the outreach effort;

23 “(v) the volume of ballistics records
24 compiled as a result of the mandatory bal-

listics testing by participating firearm manufacturers and importers;

“(vi) for each firearm manufacturer and firearm importer, the number of times a tracing request resulted in the identification of a firearm manufactured or imported by the firearm manufacturer and firearm importer; and

“(vii) an evaluation of the manner in which the implementation of ballistics testing affected the volume of production or importation by participating firearm manufacturers and importers.

“(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Justice and the Department of the Treasury for each of fiscal years 2000 through 2003, \$38,306,000 to carry out this subsection, including—

“(i) installation of ballistics equipment and bullet recovery equipment;

“(ii) establishment of regional centers for firearm testing;

“(iii) salaries and expenses of necessary personnel; and

1 “(iv) research and evaluation.

2 “(g) MANDATORY BALLISTICS TESTING OF FIRE-
3 ARMS IN FEDERAL CUSTODY.—

4 “(1) IN GENERAL.—The Secretary and the At-
5 torney General shall conduct mandatory ballistics
6 testing of all firearms taken into the custody of, or
7 procured or utilized by, their respective agencies.

8 “(2) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated for fiscal
10 years 2000, 2001, 2002, and 2003 such sums as are
11 necessary to carry out this subsection.”.

12 (2) CONFORMING AMENDMENT.—The analysis
13 for chapter 44, United States Code, is amended by
14 adding at the end the following:

“931. Test firing and automated storage of ballistics records.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 subsection (a) take effect on the date on which the Attor-
17 ney General and the Secretary of the Treasury, in con-
18 sultation with the National Integrated Ballistics Informa-
19 tion Network, certify that the ballistics systems used by
20 the Department of Justice and the Department of the
21 Treasury are interoperable.

22 **SEC. 5. COMPREHENSIVE FIREARM CRIME REDUCTION**
23 **STRATEGY.**

24 (a) IN GENERAL.—Not later than 60 days after the
25 date of enactment of this Act, the Secretary of the Treas-

1 ury and the Attorney General shall establish in the juris-
2 dictions selected under subsection (c) a comprehensive
3 firearm crime reduction strategy that meets the require-
4 ments of subsection (b).

5 (b) PROGRAM ELEMENTS.—

6 (1) IN GENERAL.—Each program established
7 under subsection (a) shall, for the jurisdiction
8 concerned—

9 (A) provide for ballistics testing, in accord-
10 ance with criteria set forth by the National In-
11 tegrated Ballistics Information Network, of all
12 firearms recovered during criminal investiga-
13 tions, in order to

14 (i) identify the types and origins of
15 the firearms;

16 (ii) to identify suspects; and

17 (iii) link multiple crimes involving the
18 same firearm;

19 (B) require that all identifying information
20 relating to firearms recovered during criminal
21 investigations be promptly submitted to the
22 Secretary of the Treasury, in order to identify
23 the types and origins of the firearms and to
24 identify illegal firearms traffickers; and

1 (C) provide for the coordination among
2 Federal, State, and local law enforcement offi-
3 cials in the identification of violations of Fed-
4 eral firearm laws, including the establishment
5 of agreements among Federal, State, and local
6 law enforcement officials for prosecution of per-
7 sons arrested for violations of Federal firearm
8 laws (including sections 922 and 924 of title
9 18, United States Code, and subsections (d)
10 and (h) of section 5861 of the Internal Revenue
11 Code of 1986).

12 (2) AGREEMENTS.—An agreement under para-
13 graph (1)(C) shall—

14 (A) take into consideration the compara-
15 tive available statutory penalties, and compara-
16 tive forensic, investigative, and prosecutorial re-
17 sources;

18 (B) provide for coordination among Fed-
19 eral, State, and local law enforcement officials,
20 firearm examiners, technicians, laboratory per-
21 sonnel, investigators, and prosecutors in the
22 tracing and ballistics testing of firearms and
23 the investigation and prosecution of firearms-re-
24 lated crimes including illegal firearms traf-
25 ficking; and

1 (C) require analysis of firearm tracing and
2 ballistics data in order to establish trends in
3 firearm-related crime and firearm trafficking.

4 (c) PARTICIPATING JURISDICTIONS.—

5 (1) IN GENERAL.—The Secretary of the Treas-
6 ury and the Attorney General shall select not fewer
7 than 10 jurisdictions for participation in the pro-
8 gram under this section.

9 (2) CONSIDERATIONS.—In selecting jurisdic-
10 tions under this subsection, the Secretary of the
11 Treasury and the Attorney General—

12 (A) shall consider—

13 (i) the extent to which, as reflected in
14 the 1998 Uniform Crime Report of the
15 Federal Bureau of Investigation, there is a
16 high rate of firearm-related crime in the
17 jurisdiction, measured either in total or per
18 capita;

19 (ii) the extent to which the jurisdic-
20 tion has experienced an increase in the
21 total or per capita rate of firearm-related
22 crime as reported in the 3 most recent an-
23 nual Uniform Crime Reports of the Fed-
24 eral Bureau of Investigation; and

1 (iii) the extent to which State and
2 local law enforcement agencies have
3 pledged to cooperate with Federal officials
4 in responding to the illegal acquisition, dis-
5 tribution, possession, and use of firearms
6 within the jurisdiction; and

7 (B) shall give priority to jurisdictions
8 that—

9 (i) participate in comprehensive fire-
10 arm law enforcement strategies, including
11 programs such as the Youth Crime Gun
12 Interdiction Initiative (known as
13 “YCGII”), Project Achilles, Project Dis-
14 arm, Project Triggerlock, Project Exile,
15 and Project Surefire, and Operation
16 Ceasefire; and

17 (ii) pledge to share ballistics records
18 with nearby jurisdictions that require bal-
19 listics testing of firearms recovered during
20 criminal investigations.

21 (d) ANNUAL REPORTS AND EVALUATION.—

22 (1) ANNUAL REPORT.—Not later than 1 year
23 after the date of enactment of this Act and annually
24 thereafter, the Secretary of the Treasury and the
25 Attorney General shall submit to the Committee on

1 the Judiciary of the Senate and the Committee on
2 the Judiciary of the House of Representatives a re-
3 port containing the following information for each
4 jurisdiction participating in the program:

5 (A) The volume of ballistics records com-
6 piled in the jurisdiction's computer system.

7 (B) The number of inquiries or searches
8 based on ballistics records made by the jurisdic-
9 tion and received from outside jurisdictions.

10 (C) The number of positive firearm identi-
11 fications through ballistics records that provide
12 investigative leads in criminal investigations, in-
13 cluding the percentage of identifications ob-
14 tained through inquiries with ballistics records
15 from other jurisdictions.

16 (D) A summary of the types and origins of
17 every firearm taken into custody by the juris-
18 diction.

19 (E) The number and type of personnel
20 from the Department of Justice and the Bu-
21 reau of Alcohol, Tobacco, and Firearms hired
22 and assigned to carry out the program.

23 (F) The number of Federal and State fire-
24 arm investigations initiated, including the num-
25 ber of persons arrested on firearm-related

1 charges (including offenses involving the illegal
2 possession of and illegal trafficking in fire-
3 arms).

4 (G) The numbers of persons referred for
5 Federal prosecution, persons referred for State
6 prosecution, persons indicted under Federal and
7 State law, and persons convicted (including a
8 breakdown of Federal and State offenses com-
9 mitted, Federal and State sentences imposed,
10 and the number of fatalities involved) on fire-
11 arm-related charges, including a breakdown of
12 referrals, indictments, and convictions resulting
13 in part from ballistics testing.

14 (2) EVALUATION.—Not later than 3 years after
15 the date of enactment of this Act, the Secretary of
16 the Treasury and the Attorney General shall submit
17 to the Committee on the Judiciary of the Senate and
18 the Committee on the Judiciary of the House of
19 Representatives a report concerning the effectiveness
20 of the firearm crime reduction strategy for each ju-
21 risdiction under this section, including—

22 (A) an analysis of whether crime within
23 the jurisdictions has been reduced and any ef-
24 fects on the crime rate in nearby jurisdictions;

1 (B) an assessment of the number of fire-
2 arm identifications made through the matching
3 of ballistics records;

4 (C) the interoperability of the jurisdiction's
5 ballistics records with the records of nearby ju-
6 risdictions; and

7 (D) any recommendations for related legis-
8 lation.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for each of fiscal years
11 2000, 2001, 2002, and 2003, \$35,784,000 to carry out
12 this section, including—

13 (1) installation of ballistics equipment; and

14 (2) salaries and expenses for personnel (includ-
15 ing personnel from the Department of Justice and
16 the Bureau of Alcohol, Tobacco, and Firearms).

○